

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

**Open Session**

*Call to Order and Roll Call*

**Members Present:**

**Anne Sheehan, President**

**Sean Harrigan**

**Maeley Tom**

**Patricia Clarey**

**I. Information and Discussion Items**

- Report of the Executive Officer – Suzanne Ambrose
  - Ms. Ambrose was pleased to introduce and demonstrate SPB's new logo to the Board. Ms. Ambrose told the Board that the new logo was designed by Joy Rinchak. Joy is a graphic design student at Sacramento State University who began working at SPB during the summer in the Information Technology office. Ms. Ambrose and the Board thanked Joy for her great work. The new logo will be launched to the public within the next few weeks. **New SPB Logo**  
(logo attached)
  - Ms. Ambrose informed the Board that as a result of Executive Order S-12-10 SPB would be closed on the second, third, and fourth Friday of every month until further notice. Ms. Ambrose stated that some bargaining units were exempt from the furloughs and for those employees SPB will allow them to telecommute.
  - Mr. Ambrose reported that as a result of Executive Order S-11-10 SPB, in consultation with the Department of Rehabilitation, will meet with all Equal Employment Opportunity Officers and will coordinate reasonable accommodation training for all supervisors and managers statewide.
  - Ms. Ambrose and Mr. Steve Caldwell provided a brief update on the third Quarterly Stakeholder forum that was held on July 30, 2010. The forum was well attended by departments and the unions.
  - Ms. Ambrose and Mr. Paul Ramsey provided a brief update on Evidentiary Hearings processed between 2005 and 2010. **Evidentiary Hearings**  
(chart attached)
  - Ms. Ambrose provided a quarterly update on the Strategic Plan focusing on the accomplishments for the third quarter. **Strategic Plan Update**  
(update attached)
- Report of the Chief Counsel – Alvin Gittisriboongul
  - Mr. Gittisriboongul provided a brief update on Executive Order S-12-10 and the new rounds of furlough litigation.

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

- Report on Legislation – Steve Caldwell
  - Mr. Caldwell reported that the Legislature returned on August 2, 2010. The Senate Appropriations Committee had a marathon session. The Assembly Appropriations Committee meets on Wednesday, August 4, 2010, and the Fiscal Committees' deadline is August 13, 2010. The last day for the Legislature to pass bill is August 31, 2010.
  - Mr. Caldwell reported that the Democrats were expected to release a new budget proposal which includes rolling back \$2 billion in corporate tax benefits and an oil severance tax. Also included is an income tax increase and vehicle license fee that would be offset by federal deductions for many and the state sales tax would be lowered.
  - Mr. Caldwell informed the Board that SEIU would be holding a rally to protest the new furlough program at DMV today.
- Report on the California Public Employees Retirement System  
Nothing to report.
- Report of Cooperative Personnel Services – Status Report on the Review of the HR MOD's Three Rank Pilot Project – Jerry Greenwell
  - Mr. Greenwell provided a brief status update on the review of the HR MOD's Three Rank Pilot Project. The review is scheduled to be completed by October 2010. The Board asked that Mr. Greenwell report again at the September 7, 2010, meeting.
- New Business  
None

**II. Oral Arguments**

- **Oral Argument Case No. 08-4044A**  
Persons Participating:  
Suzanne Wyatt, Senior Legal Counsel, CDCR  
Gary Provencher, Esq., Weinberg, Roger & Rosenfeld  
**ACTION: SUBMITTED**
- **Oral Argument Case No. 08-1758A**  
Persons Participating:  
Lori Ferguson, Esq., Hanson, Bridgett, LLP  
Ben Allamano, Esq., Law Office of Ben Allamano  
**ACTION: SUBMITTED**

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

- **PSC No. 10-04, SPB File No. 09-030(b)**

Persons Participating:

Cliff Tillman, Business Agent, AFSME

Amy Kim, Steward, BU 19

Sean Carey, Steward, BU 19

Debra Webb, PhD, Steward BU 19

James Davis, Staff Counsel, CDCR

Robert Storms, Administrator, CDCR

Sherry Barandas, Staff Manager, CDCR

Clarisse Mateo, Staff Counsel, CDCR

**ACTION: SUBMITTED**

**Closed Session**

Attachment 1

- Employee Appointments, Disciplinary Matters, and other Appeals
- Deliberation on Non-Evidentiary Cases and Adverse Actions, Discrimination Complaints and other Proposed Decisions Submitted by Administrative Law Judges
- Pending Litigation
- Recommendations to the Legislature
- Recommendations to the Governor

**Reconvene into Open Session**

**III. Action Items**

- Draft Open Minutes from July 6, 2010, Board Meeting

**ACTION: ADOPTED**

Attachment 2

- Draft Closed Minutes from July 6, 2010, Board Meeting

**ACTION: ADOPTED**

- Approval of Proposed Appeals Procedural Regulations  
**NO ACTION Adopted at July 6, 2010, Board meeting.**

- Resolution Extending Time Pursuant to Gov Code  
Section 18671.1

**ACTION: ADOPTED**

Attachment 3

- Non-Hearing Agenda  
**SEE ATTACHMENT 4 FOR ACTIONS**

Attachment 4

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

- Career Executive Assignment Category Activity

**SEE ATTACHMENT 5 FOR ACTIONS**

[Attachment 5](#)

- Hearing Agenda

1. Submitted Items

**SEE ATTACHMENT 6 FOR ACTIONS**

[Attachment 6](#)

2. Evidentiary & Non-Evidentiary Cases

**SEE ATTACHMENT 7 FOR ACTIONS**

[Attachment 7](#)

**ADJOURNMENT**

**MINUTES CERTIFICATION**

CALIFORNIA



STATE  
PERSONNEL  
BOARD

# Evidentiary Hearings Processed FY 2005 to FY 2010

	Total Filed	Settled	Closed	ALJ Proposed Decisions, Board Adopted*	Hearing Appointments Set (# of Days)**
FY 2005-2006	2140	1074	1799	197	1007
FY 2006-2007	2370	958	1722	286	1016
FY 2007-2008	2520	1225	2284	263	1086
FY 2008-2009	2589	1427	2692	230	2030
FY 2009-2010	2326	1422	2866	277	2769

\*Includes Final Decisions: ALJ Denied, BD Adopt, ALJ Grants, BD Adopt; ALJ Modified, BD Adopt; ALJ Revoked, BD Adopt; ALJ Sustained, BD Adopt.

\*\*Hearing Appointments set in ACTS may have concluded early in the hearing process. Some cases are still in progress from previous Fiscal Years. Does not directly correlate to closed or settled cases.

# **3<sup>rd</sup> QUARTERLY STRATEGIC PLAN UPDATE**

## **August 3, 2010**

### **Strategic Plan Update**

#### **Goal #1: Meet the State's Hiring Needs.**

- **Internet Exams:** The following exams went live over the last quarter:
  - ✓ Investigator, Department of Motor Vehicles
  - ✓ Deputy Attorney General III, Department of Justice
  - ✓ Telecommunications Systems Analyst I, II, Office of the Chief Information Officer
  - ✓ Housing and Community Development Representative I, II, Department of Housing and Community Development
  - ✓ Program Representative I and II; Department of Consumer Affairs (DCA)
  - ✓ Program Representative III, DCA
  - ✓ Program Manager I and II, DCA
  - ✓ Landscape Maintenance, Department of Transportation (DOT)
  - ✓ Highway Maintenance, DOT
  - ✓ Labor Relations Analyst, Department of Personnel Administration
- **SSA Transfer Exam is now available in Braille.**
- **OT/OA Exams:** Office Technician (OT) and Office Assistant (OA) exams have resumed at the Testing Center in Sacramento. In May, Exams staff traveled to Southern California and held OT and OA exams at Patton State Hospital.
- **OSS Training:** Exam functionality training within On-Line Selection System was provided to 347 departmental users. Those trained will train other staff within their departments. Feedback has been very positive.
- **CalFire:** We have completed our audit of CalFire's exam office. CalFire has requested that we hold off on rolling out their exams for Firefighter, Fire Apparatus Engineer and Battalion Chief until October so that they can get through fire season.
- **New State Application Form:** We have changed the standard state application form on June 25 to remove questions about whether the applicant was charged with a misdemeanor or felony. These questions are not applicable to most exams. However, many applicants were unclear to their specific exam requirements and answered these questions when they were not required. Removing the questions provides applicants more privacy. Exams requiring this information will use a separate questionnaire.
- **Student Internship Guide:** SPB, in conjunction with the Board of Equalization (BOE), are pleased to share the Student Internship Program Guide as a valuable resource for designing and implementing a student internship program for state departments. The

Student Internship Program Guide was developed by BOE and contains comprehensive information on maintaining a successful student internship program.

## **Goal #2: Meet Stakeholders Needs**

- **SPB Homepage:** We have improved the SPB Homepage and created an SPB presence on **Facebook and Twitter** to better communicate our mission and to recruit job seekers.
- **Service Center:** The Service Center's hours have been extended from one hour per day to nine to better serve our customers and we are now staffing the service center during business hours. The center has also been reconfigured. A number of underutilized computers and workstations were removed to allow for the presence of the staff person within the Center and to create a more efficient use of space.

## **Goal #3 Provide Leadership to Ensure a Qualified Workforce. This goal is primarily seeking to strengthen our organization.**

- **Quarterly Stakeholder Meetings:** To enhance communication, we have been holding quarterly all staff meetings, managers' meetings and stakeholder forums to discuss the progress made on our strategic goals and to allow for an opportunity for open discussion. The latest meetings were held in the month of July.
- **Focus Groups:** Consulting Services facilitated 7 customer focus groups in March through April. These groups focused on exam, recruitment, appeals, civil rights (including bilingual and LEAP), training and medical and psychological services. Approximately 15 participants for each area were chosen from a large volunteer pool with the intent of composing groups representing our customer base. The findings of the focus groups are being compiled by SPB currently. A report will be issued on the findings and new initiatives to meet our clients' needs will be added to our strategic plan.
- **Civil Rights Officer:** We have appointed a new Civil Rights Officer over the Civil Rights Program-Martha Chavez. Martha has extensive background in the state's equal employment opportunity and non-discrimination employment practices. Most recently, she was the EEO officer of the Department of Conservation prior to coming to SPB.
- **ACSED Event:** SPB was a co-sponsor of the "Future of State Employment in State Government for People with Disabilities" event on June 30<sup>th</sup>. The event included speeches by John Chiang, State Controller and Senator Darrel Steinberg. Consulting Services also spoke on several topics including action on the Governor's Executive Order encouraging hiring of the disabled; current initiatives, trends and factors affecting persons with disabilities; surviving and thriving in the current climate in state government; and resume writing. The conference was attended by 170 people.
- **Refugee Conference:** Bilingual Services and Exam Services staffed an informational booth at the Department of Social Services Refugee Conference on June 24<sup>th</sup> and 25<sup>th</sup> to provide employment information to attendees. Approximately 50-75 people



stopped by, asked questions and picked up literature. The most popular resource was the pamphlet on the Bilingual program. The Director expressed her gratitude for us being there.

- **Workforce Analysis Report Training:** As part of our leadership role in achieving equal opportunity for employment in state civil service, SPB must coordinate an annual workforce analysis and prepare the annual census. Departments are required to identify and conduct an analysis of significant underutilization among racial/ethnic groups and an analysis of disabled representation within their organizations. They are also required to report on their efforts in promoting upward mobility. In response to feedback from departmental EEO Officers and other customers, we have expanded our training course providing instruction on completing these reports. Consulting Services revised the course curriculum and materials to provide a much more in-depth instruction. Course length has grown from 1 hour to a full day. Four sessions of the new course were conducted. 144 persons from 73 departments attended.

**Goal #4: Identifying Process Improvements for the Department. We have made some significant achievements in this area over the last quarter.**

### **Appeals**

- **Appeals E-Filing/Document Management:**
  - We are now receiving personnel actions (adverse actions, rejection during probation, etc.) through E-Filing. This process allows SPB staff to more efficiently locate the document and “link” it to the appropriate paperless appeal maintained by the document management system.
  - In addition, our document management system is up and running for all appeals. This system allows for paperless processing of appeals. Information can now be exchanged electronically where in the past we mailed paper files from one person to another.
    - Multiple people can now view the same information simultaneously as well as receive reminders that work on the appeal is pending.
    - Case status can be tracked through the system.
    - The system can also issue reports on numbers of specific appeal types, number of appeals per ALJ, number of appeals open after a certain period of time, etc.
  - This change in the way we do business saves staff time and costs associated with paper and postage. It also reduces the potential for error such as misplacing paper files. And it gives us real time information to make management decisions based on workload.
- **Procedural Hearing Regulations:** The Appeals Division has drafted and obtained Board approval of their procedural hearing regulations. These regulations will streamline the evidentiary appeals process, provide departments more guidance and will require the electronic filing of evidentiary appeals.
- **Appeals Backlog:** Appeals case backlog continues to decrease. As of this week, evidentiary cases have dropped to 1112 and merit cases have dropped to 502.

### **Consulting Services**

- **Language Survey Training:**
  - **3 webinar sessions** were conducted in May and June. The one hour webinar was offered to departments experienced in completing the survey in order to save departments time and travel costs. 26 departments utilized the webinar.
  - **4 3-hour training sessions were also held at SPB** in May and June. 58 departments attended the on-site sessions.
  - **An additional webinar** was developed and conducted for the **reporting assistants** who assist the language survey coordinators in completing the survey. 7 departments participated in the coordinator webinar session.
- **Medical Interpreter Program – Spanish Language Certification:** Consulting Services has been working with the International Medical Interpreters' Association to offer a Spanish language testing avenue for new medical interpreters that exceeds SPB's previous medical interpreter certification standards. At the current time, there are only testing options for new administrative interpreters. The Spanish medical interpreter exam will soon be posted on our website. In addition, International Medical Interpreters' Association is planning for the certification of medical interpreters in over 20 other non-English languages.
- **Administrative Interpreters:** To date Consulting Services has renewed over 700 administrative interpreters and continues to process another 5-10 applications a week.

### **Merit Operations Division**

- **Psych Screening Dispute Resolution Process:** The new psychological screening dispute resolution process was implemented in May. Prior to this change, candidates disqualified by a SPB Psychologist would appeal prior to their attaining an outside evaluation and submitting that outside evaluation to the Psychological Screening Unit for a final determination. We believe that this change in process will result in a significant drop in the number of psychological screening appeals filed as this process will resolve many disputes before they get to the appeal process.
- **Medical Office Billing:** The Medical Program is reviewing their processes and is seeking to streamline operations. The program implemented a new monthly billing methodology and process for the new fiscal year.

### **Administrative Services**

- **Internet Policy Revision and Sign on Message:** An updated and more descriptive policy on acceptable use of the Internet has been issued. In addition, an information security best practice of displaying a policy banner reminding employees of appropriate internet use upon log in was also adopted.
- **Information Security Review and Training:** An independent party was brought in to perform an information security review. The review included staff interviews and a site evaluation. The evaluator found SPB does a good job in training employees and has an excellent document destruction program. We have some physical plant issues which we are addressing. We will also be offering a separate information security training session

for managers which will provide them additional guidance on how they can ensure the security of information in the areas they oversee.

- **Exit Interview Questionnaire:** An employee exit form/questionnaire has been developed to collect information on parting employees' opinions regarding SPB's work environment. The questionnaire will give us information we can use to improve SPB's workplace culture and to increase employee satisfaction and retention.
- **Telephone Audit:** We have recently completed an audit of our telephone lines and identified 125 unassigned phone lines for an annual savings of \$19,065.

### **Disability Advisory Committee's Update**

SPB's Disability Advisory Committee's (DAC) accomplishments and activities:

- The SPB DAC also participated in the planning and promotion of the ADA 20<sup>th</sup> Anniversary Celebration. This event which was hosted by the Department of Rehabilitation (DOR) and over 40 state and local governmental departments, community-based organizations and private businesses, highlighted and increased public knowledge of the advancements in equality, accessibility and independence of persons with disabilities in all aspects of life.
- The ADA Celebration also included an ADA themed night at the River Cats Game at Raley Field on July 28<sup>th</sup>. This event featured disability information in booths and on jumbo-tron messaging.
- SPB's DAC has teamed up with the Department of Rehabilitation's and the Employment Development Department's DAC committees to hold a blood drive on August 18<sup>th</sup> from 8 a.m. to 3 p.m. in EDD's back parking lot.
- Executive Order S-11-10 – SPB is working with Health and Human Services and DOR to coordinate training for all supervisors and managers regarding the state's obligation to reasonably accommodate employees.

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

***Attachment 1***

- **Employee Appointments, Disciplinary Matters, and Other Appeals**  
Deliberations to consider matters submitted at prior hearing.  
[Government Code Sections 11126(c)(3), 18653(3)]
- **Deliberation on Non-Evidentiary Cases and Adverse Actions, Discrimination Complaints and other Proposed Decisions Submitted by Administrative Law Judges**  
Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.  
[Government Code sections 11126(c)(3), 18653]
- **Pending Litigation**  
Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e), 18653]  
  
Patrick McCollum v. State of California, United States District Court, Northern District of California, Case No. C 04-03339 CRB  
  
Plata, et al. v. Schwarzenegger, et al. United States District Court, Northern District of California, Case No. C01-1351 TEH  
  
California Highway Patrol, et al. v. State Personnel Board (Hubert Acevedo)  
Sacramento County Superior Court Case No. 34-2008-00002614-CU-WM-GDS  
  
Weingarten v. State Personnel Board, Sacramento County Superior Court, Case No. 34-2009-80000209-CU-WM-GDS
- **Recommendations to the Legislature**  
Deliberations on recommendations to the Legislature.  
[Government Code section 18653]
- **Recommendations to the Governor**  
Deliberations on recommendations to the Governor.  
[Government Code section 18653]

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

***Attachment 3***

On August 3 2010, the Board took the following action on the Resolution listed as presented by Anne Sheehan, President, California State Personnel Board.

**VOTE: Sheehan, Harrigan, Tom, Clarey – Aye**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code Section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code Section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**Open Minutes**  
**California State Personnel Board Meeting**  
**August 3, 2010**

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code Section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

**ACTION: ADOPTED**

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

***Attachment 4***

On August 3, 2010, the Board took the following action on the Non-Hearing Agenda listed as presented by Suzanne Ambrose, Executive Officer, California State Personnel Board.

**VOTE: Sheehan, Harrigan, Tom, Clarey – Aye**

**NON-HEARING AGENDA**

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**NONE**

- C. BACKDATE OF APPOINTMENTS**

- 1. CASE NO. 10-09BD**  
**Classification:** Correctional Sergeant  
**Department:** Corrections and Rehabilitation  
**ACTION: APPROVED**
- 2. CASE NO. 10-11BD**  
**Classification:** Environmental Planner  
**Department:** Toxic Substances Control  
**ACTION: APPROVED**
- 3. CASE NO. 10-12BD**  
**Classification:** Fair Employment and Housing Consultant II  
**Department:** Fair Employment and Housing  
**ACTION: APPROVED**

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

***Attachment 5***

On August 3, 2010, the Board took the following action on the Career Executive Assignment Category Activity as presented by Suzanne Ambrose, Executive Officer, California State Personnel Board.

**VOTE: Sheehan, Harrigan, Tom, Clarey – Aye**

**CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**NONE**

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**1. CHIEF OF ENFORCEMENT**

The California Department of Fair Employment and Housing's request to reactivate the above position to the CEA category was approved effective July 6, 2010.

**ACTION: NOTED**



**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

***Attachment 6***

On August 3, 2010, the Board took the following action on the Career Executive Assignment Category Activity as presented by Suzanne Ambrose, Executive Officer, California State Personnel Board.

**VOTE: Sheehan, Harrigan, Tom, Clarey – Aye**

**A. SUBMITTED ITEMS NOT SCHEDULED FOR ACTION**

**1. DEPUTY DISTRICT DIRECTOR, PROGRAM AND PROJECT MANAGEMENT, DISTRICT 7**

The California Department of Transportation is requesting approval to reactivate the above position to the CEA category. The position will be responsible for the development and implementation of policies for the Program and Project Management Division in the Los Angeles and Ventura counties. The Division consists of Capitol Outlay Support Data Management, Program Management and Consultant Services, and Project Management in the areas of North, South, Central, I-5, I-405, and I-710. Taken under submission at the April 6, 2010, Board meeting. Hearing held on July 6, 2010.

**B. SUBMITTED ITEMS SCHEDULED FOR ACTION**

**1. CHIEF, ORGANIZATIONAL CAPACITY AND WORKFORCE MANAGEMENT**

The California Department of Social Services is requesting approval to allocate the above position to the CEA category. The position will develop, implement, administer, and assess the Department's policies, programs, and procedures in the areas of strategic planning, workforce management, internal communication, organizational effectiveness, and leadership development. Taken under submission at the April 6, 2010, Board meeting. Hearing held on June 10, 2010.

**ACTION: APPROVED**

**2. CHIEF COUNSEL**

The Office of the State Chief Information Officer is requesting approval to allocate the above position to the CEA category. The position manages all functions within the Legal Division and develops legal strategies to meet program objectives including operational and enterprise policy, human resources, procurement, information technology, equal

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

employment opportunity, and legislation. Taken under submission at the April 20, 2010, Board meeting.

**ACTION: APPROVED**

**3. CHIEF INFORMATION OFFICER**

The California Department of Water Resources (DWR) is requesting approval to revise the above CEA allocation. The position has responsibility for all of the information technology activities that support DWR's critical lines of business. The level of responsibility has significantly increased in that the position will gain an agency-wide information technology policy role over the 24 departments, conservancies, commissions, and boards that are under the Natural Resources Agency. Taken under submission at the June 22, 2010, Board meeting.

**ACTION: APPROVED**

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

***Attachment 7***

On August 3, 2010, the Board took the following action on the Evidentiary and Non-Evidentiary Cases as presented by Alvin Gittisriboongul, Chief Counsel, California State Personnel Board.

**VOTE: Sheehan, Harrigan, Tom, Clarey – Aye**

**EVIDENTIARY CASES**

**A. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS AFTER HEARING**

- 1. CASE NO. 08-0318**  
**Classification:** Correctional Counselor I  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
- 2. CASE NO. 08-4954**  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision and will issue a Resolution further clarifying certain issues.
- 3. CASE NO. 09-2993**  
**Classification:** Correctional Counselor II  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
- 4. CASE NOS. 09-0644 and 09-3371**  
**Classification:** Youth Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
- 5. CASE NO. 09-1948**  
**Classification:** Police Officer  
**Department:** California State University  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
- 6. CASE NO. 09-1086**  
**Classification:** Officer  
**Department:** California Highway Patrol  
**ACTION:** The Board adopted the ALJ's Proposed Decision.

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

7. **CASE NO. 06-2789**  
**Classification:** Correctional Lieutenant  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
8. **CASE NO. 09-2783**  
**Classification:** Psychiatric Technician  
**Department:** Department of Mental Health  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
9. **CASE NO. 09-1572**  
**Classification:** Licensed Psychiatric Technician  
**Department:** Department of Developmental Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision.
10. **CASE NO. 07-1860**  
**Classification:** Correctional Sergeant  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision.

**PROPOSED DECISION AFTER COURT REMAND**

11. **CASE NO. 08-3089C**  
**Classification:** Correctional Sergeant  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision.

**B. PETITIONS FOR REHEARING**

1. **CASE NO. 08-4695P**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION:** DENIED
2. **CASE NO. 08-4848P**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION:** DENIED

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

**C. PENDING BOARD REVIEW**

1. **CASE NO. 07-3861PA**  
**Classification:** Senior Staff Information Systems Analyst (Specialist)  
**Department:** California Department of Public Health  
Petition for Rehearing granted at the May 4, 2010, Board meeting.  
Transcripts ordered.  
Oral Argument scheduled for August 3, 2010.  
Continued to October 5, 2010.
2. **CASE NO. 08-3377NPA**  
**Classification:** Deputy Attorney General III  
**Department:** Department of Justice, Office of the Attorney General  
Petition for Rehearing granted at the February 16, 2010, Board meeting.  
Oral Argument continued from June 8, 2010 to September 7, 2010.
3. **CASE NO. 09-0043A**  
**Classification:** Psychologist-Clinical (Correctional Facility)  
**Department:** California Department of Corrections and Rehabilitation  
Proposed Decision rejected at the May 18, 2010, Board meeting.  
Transcripts ordered.  
Oral Argument scheduled for September 7, 2010.
4. **CASE NO. 07-2854PA**  
**Classification:** Fish and Game Warden  
**Department:** California Department of Fish & Game  
Petition for Rehearing granted at the July 20, 2010, Board meeting.  
To be scheduled for Oral Argument.

**D. ORAL ARGUMENTS**

1. **CASE NO. 08-4044A**  
**Classification:** Maintenance Mechanic  
**Department:** California Department of Corrections and Rehabilitation  
Proposed Decision rejected at the April 6, 2010, Board meeting.  
Transcripts ordered.  
Oral Argument scheduled for August 3, 2010.  
**ACTION: SUBMITTED**

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

**2. CASE NO. 08-1758A**

**Classification:** Physician and Surgeon

**Department:** California Department of Corrections and Rehabilitation  
Proposed Decision rejected at the April 6, 2010, Board meeting.

Transcripts ordered.

Oral Argument scheduled for August 3, 2010.

**ACTION: SUBMITTED**

**3. PSC. No. 10-04, SPB FILE NO. 09-030(b)**

**Department:** California Department of Corrections and Rehabilitation

**Union:** AFSCME

Appeal of California Department of Corrections and Rehabilitation from the Executive Officer's Decision disapproving Personal Services Contracts for Clinical Social Worker and Psychological Services.

Oral Argument scheduled for August 3 2010.

**ACTION: SUBMITTED**

**E. CHIEF COUNSEL RESOLUTIONS**

**1. CASE NO. 09-0611NP**

**Classification:** Adoptions Specialist

**Department:** Department of Social Services

**ACTION: The Board issued a Resolution in this matter.**

**F. PENDING BOARD DECISIONS**

**1. CASE NO. 07-1059BPA**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation  
ALJ's Proposed Decision adopted at the July 21, 2009, Board meeting.

Petition for Rehearing granted at October 22, 2009, Board meeting.

Taken under submission at the February 2, 2010, Board meeting.

**2. CASE NOS. 05-4338EA & 05-4339A**

**Classification:** Registered Nurse

**Department:** California Department of Corrections and Rehabilitation  
ALJ's Proposed Decision rejected at the September 23, 2008, Board meeting.

Oral argument set for December 2, 2008, San Francisco.

Oral argument continued.

Oral argument set for April 14, 2009.

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

Oral argument continued.

Taken under submission at the May 14, 2009, Board meeting

**ACTION: The Board issued a decision in this matter.**

**3. CASE NO. 08-2813PA**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

ALJ's Proposed Decision adopted at the October 22, 2009, Board meeting.

Petition for Rehearing granted at the January 19, 2010, Board meeting.

Taken under submission at the April 6, 2010, Board meeting.

**4. CASE NO. 06-3518PA**

**Classification:** Fire Captain

**Department:** California Department of Forestry & Fire Protection

ALJ's Proposed Decision adopted at the June 23, 2009, Board meeting.

Petition for Rehearing granted at the September 24, 2009, Board meeting.

Taken under submission at the January 5, 2010, Board meeting.

**5. CASE NOS. 06-1942A, 06-1979A, and 06-2186A**

**Classification:** Vice President of Student Affairs and Institutional Development and Athletic Director; emergency hire Women's Basketball Coach for 2004/2005 academic year and the prospective hire for the full-time tenure-track Head Women's Basketball Coach for the 2005/2006 academic year; Director of Educational Talent Search and Upward Bound Program.

**Respondents:** All three Complainants named Feather River Community College District, Dr. Susan Carroll, Cameron Abbott, Dr. Michael Bagley, Michael Cassity, and Joseph Munoz. Complainant also named Sarah Christensen.

ALJ's Proposed Decision rejected at the July 21, 2009, Board meeting.

Taken under submission at the November 9, 2009, Board meeting.

**6. CASE NO. 08-3726A**

**Classification:** Senior Typist Legal

**Department:** Department of General Services

ALJ's Proposed Decision rejected at the February 2, 2010, Board meeting.

Taken under submission at the May 4, 2010, Board meeting.

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

7. **CASE NO. 08-3789A**  
**Classification:** Senior Typist Legal  
**Department:** Department of General Services  
ALJ's Proposed Decision rejected at the February 2, 2010, Board meeting.  
Taken under submission at the May 4, 2010, Board meeting.

**NON-EVIDENTIARY CASES**

**G. WITHHOLD FROM CERTIFICATION APPEALS**

1. **CASE NO. 09-1563N**  
**Classification:** Correctional Officer/Youth Correctional Officer/Youth  
Correctional Counselor  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
2. **CASE NO. 09-1141N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
3. **CASE NO. 09-1883N**  
**Classification:** Correctional Officer/Youth Correctional Officer/Youth  
Correctional Counselor  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
4. **CASE NO. 09-1829N**  
**Classification:** Correctional Officer/Youth Correctional Officer/Youth  
Correctional Counselor  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
5. **CASE NO. 09-2056N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
6. **CASE NO. 09-1958N**  
**Classification:** Correctional Officer/Youth Correctional Officer/Youth  
Correctional Counselor



**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**

7. **CASE NO. 09-6614N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
8. **CASE NO. 09-3266N**  
**Classification:** Cadet, CHP  
**Department:** California Highway Patrol  
**ACTION: DENIED**
9. **CASE NO. 09-2945N**  
**Classification:** Correctional Officer/Youth Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
10. **CASE NO. 09-2279N**  
**Classification:** Cadet, CHP  
**Department:** California Highway Patrol  
**ACTION: DENIED**
11. **CASE NO. 09-6966N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
12. **CASE NO. 10-0780N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
13. **CASE NO. 09-2913N**  
**Classification:** Correctional Officer  
**Department:** California Department of Corrections and Rehabilitation  
**ACTION: DENIED**
14. **CASE NO. 10-0078N**  
**Classification:** Correctional Officer/Youth Correctional Officer/Youth Correctional Counselor  
**Department:** California Department of Corrections and Rehabilitation

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

**ACTION: DENIED**

**15. CASE NO. 09-6965N**

**Classification:** Correctional Officer/Youth Correctional Officer/Youth Correctional Counselor

**Department:** California Department of Corrections and Rehabilitation

**ACTION: DENIED**

**16. CASE NO. 10-0021N**

**Classification:** Hospital Police Officer

**Department:** Department of Mental Health

**ACTION: DENIED**

**17. CASE NO. 09-6883N**

**Classification:** Correctional Officer/Youth Correctional Counselor

**Department:** California Department of Corrections and Rehabilitation

**ACTION: DENIED**

**18. CASE NO. 09-2999N**

**Classification:** Office Technician (Typing)

**Department:** California Prison Health Care Services and State Personnel Board, Exam Services Unit

**ACTION: DENIED**

**19. CASE NO. 09-1187N**

**Classification:** Correctional Officer

**Department:** California Department of Corrections and Rehabilitation

**ACTION: DENIED**

**H. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

**NONE**

**I. PROPOSED RECOMMENDATIONS AFTER BOARD REMAND**

**NONE**

**J. REQUESTS TO FILE CHARGES CASES**

**1. CASE NO. 09-1946N**

**Department:** California Department of Corrections and Rehabilitation

**ACTION: DENIED**

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

**2. CASE NO. 08-3158N**

**Department:** California Department of Corrections and Rehabilitation

**ACTION:** DENIED

**K. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT ISSUE COMPLAINTS**

**NONE**

**L. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS, VOIDED APPOINTMENT APPEALS**

**NONE**

**Open Minutes  
California State Personnel Board Meeting  
August 3, 2010**

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on September 7, 2010.

VOTE: Sheehan, Costigan, Harrigan, Tom, Clarey – Aye

**/s/ SUZANNE M. AMBROSE**

Suzanne M. Ambrose  
Executive Officer  
California State Personnel Board